

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS) CREATING A NEW CREDIT ACCESS BUSINESS AND PAWNSHOP USE AND DEFINITION, AMENDING CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS) TO ADD APPROPRIATE STANDARDS AND REGULATIONS FOR CREDIT ACCESS BUSINESSES AND AMENDING APPENDIX A (TABLE OF PERMISSIBLE USES) TO ALLOW CREDIT ACCESS BUSINESSES IN COMMERCIAL DISTRICTS BY SPECIAL PERMIT AND APPENDIX C (PARKING REGULATIONS) OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Title 20 (Zoning) of the El Paso City Code was adopted to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, credit access businesses are those establishments which provide high cost, high-interest, short-term loans secured by, and repaid directly from, the taxpayer; and,

WHEREAS, credit access businesses drain millions of dollars from the taxpayers' pockets; and,

WHEREAS, a clustering of credit access businesses can have a detrimental effect on neighborhoods and create the appearance of an area in decline; and,

WHEREAS, a proliferation of credit access businesses at particular locations can overwhelm a neighborhood and can be a disincentive for other business to locate in these neighborhoods; and,

WHEREAS, adopting development criteria which regulates the manner and location of credit access businesses can lessen the impact the establishments have on the surrounding neighborhoods; and,

WHEREAS, it is necessary to regulate credit access businesses in order to protect the health, safety, morals and general of the citizens of the City of El Paso; and,

WHEREAS, a public hearing regarding the proposed amendment was held before the City Plan Commission, and the Commission recommended approval of the amendment; and,

WHEREAS, the El Paso City Council has determined that this amendment is in the best interest of the public and will promote the public health, safety and welfare of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. That Title 20, Zoning, Chapter 20.02, General Provisions and Definitions, Article II. Definitions, of the El Paso City Code be amended to add the following:

20.02.279—“Credit access business” means a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan.

20.02.697—“Pawn Shop” means an establishment engaged in the business of lending money of the security of pledged goods; or purchasing goods on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period.

SECTION 2. That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, of the El Paso City Code be amended to add the following:

20.10.165 Credit access business.

The provisions of this section apply to any property with a use designation of “credit access business” as defined by this Title in Section 20.02.279.

- A. No credit access businesses may be located within 1,000 feet, measured from property line to property line, of any other credit access business.
- B. No credit access businesses may be located within 300 feet, measured from property line to property line, of a lot in a residential district, SmartCode zone or special control area as defined by Chapter 20.18.250.
- C. No credit access business may be located within 500 feet of an existing freeway or new freeway as defined in Section 20.02.392, measured from the property line of the credit access business to the nearest freeway or new freeway travel lane.
- D. A credit access business may only operate within a freestanding building.
- E. Credit access businesses are prohibited as accessory uses and may not operate in the same freestanding structure as any other use.
- F. In zoning districts where credit access businesses are permitted, a special permit shall be required, subject to the requirements of Chapter 20.04 Article V., Special Permit Approval Process.
- G. All credit access businesses shall comply with the provisions set forth in Chapter 5.17 (Credit Access Businesses) of the El Paso City Code. Failure to comply with the provisions of this Chapter or those contained within this Title shall subject the property to forfeiture of the Special Permit, per Chapter 20.04.310, Compliance with Special Permits.
- H. Any credit access business not in conformance with the provisions of this Chapter at the time of the effective date of this ordinance shall be deemed nonconforming and subject to the provisions of Chapter 20.22, Nonconforming Situations.

SECTION 3. That Title 20, Appendix A, Table of Permissible Uses, shall be amended to allow Credit Access Businesses by Special Permit (“S”) in Commercial zones (C-OP, C-1, C-2, C-3, C-4, C-5), and by adding “Section 20.10.165” to the Supplemental Standards column.

SECTION 4. That Title 20, Appendix C, Table of Parking Requirements and Standards, shall be amended as follows:

Section	Use	Minimum	Maximum	Bicycle	Heavy Truck Trailer	Gravel Screen Parking Required	Notes

4.035	Credit Access Business	1/240 GFA	1/200 GFA	NOTE 3	None	Not Allowed	2A, B
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SECTION 5. Except as expressly herein amended, Title 20, Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS _____ day of _____ 2014.

CITY OF EL PASO

ATTEST:

Oscar Leeser, Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Karla M. Nieman
Assistant City Attorney

Mathew S. McElroy, Director
City Development Dept.